



TEMPORARY THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of Permittee: ELKO LAND AND LIVESTOCK COMPANY
Source: STREAM (COLUMBIA CREEK)
Basin: SOUTH FORK OWYHEE RIVER AREA
Manner of Use: MINING AND MILLING
Period of Use: EXPIRES DECEMBER 31, 2020
Priority Date: 01/01/1875

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit, to change the place and manner of use of a portion of the waters of Columbia Creek as heretofore appropriated under claim of vested right as evidenced by Proof of Appropriation of Water V06571, is issued with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed at or near the point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water herein granted at any and all times. This permit is issued subject to any determination of the waters of Columbia Creek that may be made under adjudication proceedings under NRS 533.090 through 533.320.

Monthly records shall be kept of the amount of water diverted from this source and the records submitted to the State Engineer upon expiration of this temporary permit.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on December 31, 2020, at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary permit is issued in conjunction with the groundwater appropriation under Permit 87484, with the understanding that 20 acre-feet of this temporary permit shall remain in Columbia Creek to offset any streamflow capture due to pumping authorized under Permit 87484.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, not to exceed 0.66 cubic feet per second and 53.46 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

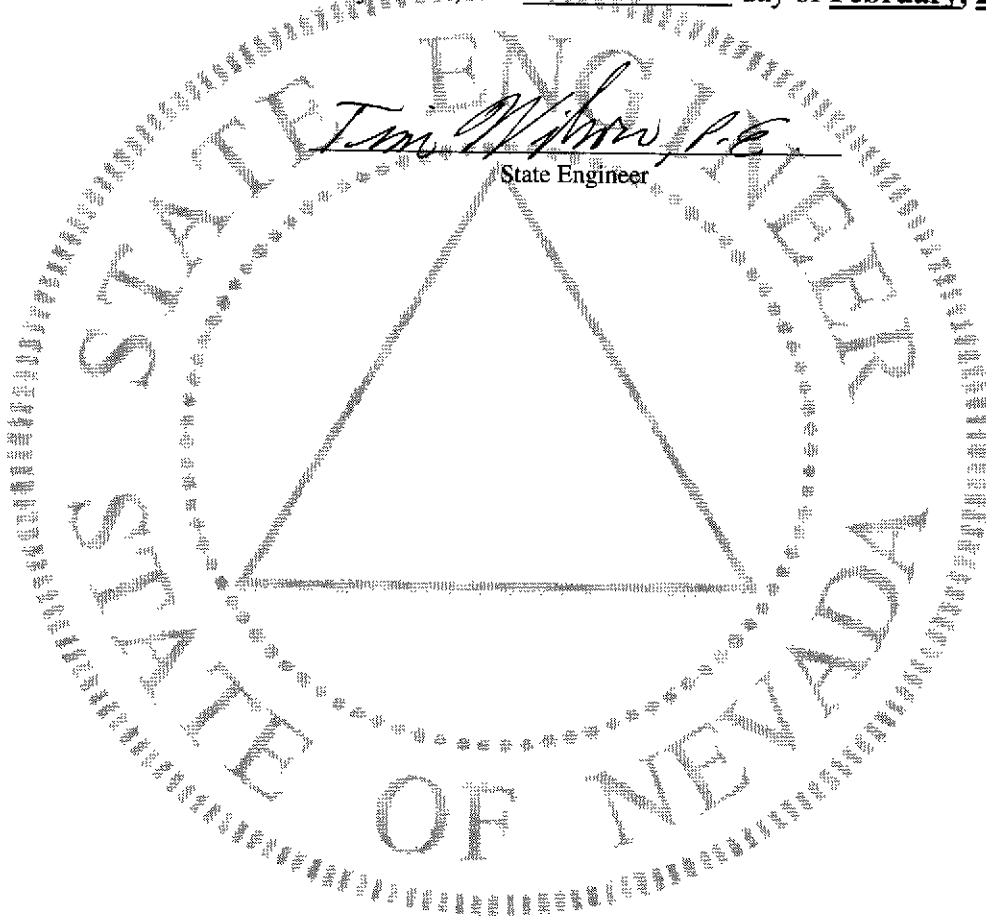
N/A

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TIM WILSON, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 3rd day of February, 2020



**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

| | |
|---|---|
| THIS SPACE FOR OFFICE USE ONLY | |
| Date of filing in State Engineer's Office | DEC 06 2019 |
| Returned to applicant for correction | _____ |
| Corrected application filed | Map filed <u>June 24, 1995 Under V06571</u> |

The applicant Elko Land and Livestock Company
1665 Mountain City Highway of Elko
Street Address or PO Box City or Town
Nevada 89801
State and ZIP Code E-mail Address

hereby make(s) application for permission to change the

☐ Point of diversion ☒ Place of use ☒ Manner of use ☒ of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Vested Proof No. V-06571

1. The source of water is Columbia Creek and Tributaries
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.66 CFS not to exceed 53.46 acre feet annually
Give diversion rate in cubic feet per second (CFS) AND duty in acre-feet annually (AFA).
3. The water to be used for Mining and Milling Purposes
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
4. The water heretofore used for Irrigation, Stockwater, and Domestic Purposes
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
NW¼ NE¼ Section 2, T. 43 N., R. 52 E., MDM, or at a point from which the NE corner of said Section 2 bears N. 77° 22' E., 1768.9 feet distant. Please refer to map filed in support of Vested Proof No. 06571 at Point of Diversion #9.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
The point of diversion will not be changed.

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7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Within Sections 35 and 36 all in T. 44 N., R. 52 E., Sections 1, 2, NE¼ and portions of N½ SE¼ Section 12 all in T. 43 N., R. 52 E., Section 31 and portions of SW¼ Section 29, S½ Section 30, W½ Section 32 all in T. 44 N., R. 53 E., Section 6 and portions of W½ Section 5, N½ Section 7 all in T. 43 N., R. 53 E., all in M.D.M. Please refer to map filed in support of Application No. 87484.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Please see Attachment

9. Proposed use will be from July 1st to December 31st of each year.
Month and Day Month and Day

10. Existing use permitted from April 1st to September 15th of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Pump into water truck via hose for transport to mining exploration sites.

12. Estimated cost of works \$5,000

13. Estimated time required to construct works Works complete

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use One (1) Year

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

Please see Attachment for project description.

16. Miscellaneous remarks:

The project is located on public lands administered by the USDA Forest Service. Mineral claims have been established for the Doby George project owned or leased by Western Exploration, LLC. Western Exploration, LLC has a USFS Plan of Operations valid through August 2023.

cfacque@farrwestengineering.com

E-mail Address

(775) 853-7268

Phone No.

Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Chris N. Facque

[Signature]

Type or print name clearly

Signature, applicant or agent

Farr West Engineering

Company Name

5510 Longley Lane

Street Address or PO Box

Reno, Nevada 89511

City, State, ZIP Code

ATTACHMENT

8935-T

Temporary Application to Change V-06571 by Elko Land and Livestock Company

Question 8. Existing Place of Use:

13.83 acres within the NW1/4 SE1/4 and 7.98 acres within the SW1/4 SE1/4 Section 2, T.43N., R.52E., M.D.M., 21.81 acres to be removed from irrigation in sum. Please see map filed in support of Vested Proof No. 06571.

Please see the table below for culture and duty allotments all in Section 2, T.43N., R.52E., M.D.M.

| ¼ ¼ | Acres | Duty | Acre-feet Seasonally |
|--------------|--------------|------------------------|----------------------|
| NW SE | 13.83 | 3.0 acre-feet per acre | 41.49 |
| SW SE | 7.98 | 1.5 acre-feet per acre | 11.97 |
| Total | 21.81 | | 53.46 |

Question 15. General Project Description :

Western Exploration, LLC (Western) has the consent of Elko Land and Livestock Company for the use of the waters of Columbia Creek under a lease agreement. This temporary application to change the place and manner of use of a portion of Columbia Creek and tributaries is to provide emergency back-up water, in the event of poor well production or failure, supporting mining exploration operations by Western at the Doby George project site. (See Application 87484)

Western has active mining claims on private and public lands within the Humboldt National Forest under USDA Forest Service (USFS) Plan of Operations #06-10-04. Mineral exploration may only be conducted during the annual July 1 to December 31 period. Water from an existing production well under Permit No. 87484 is being utilized to supply the needs of the mineral exploration drilling process, construction of access roads and drilling pads, dust abatement and other associated needs.

A proportionally higher diversion rate is being requested to facilitate operation of a pump at the point of diversion to a water truck via hose. The filled truck will transport water for project purposes within the place of use, as described above, within the project period.

Mining exploration activity under the Plan of Operations is approved from about July 1 to December 31, being a 210-day annual duration. A period of use expansion is being requested from that described in Claim No. V-06571 to facilitate maximum allowable exploration efforts.

This Temporary Application is intended to replace Permit No. 88551-T upon its expiration.